Fill in this	information to	dentify your case: 1	2 Filed 05/05/19 Document P	Entered 05/05/19 age 1 of 9	20:55:37 De	sc Main		
Debtor 1	Rodger		Songer	age I or o				
Dobtor 1	First Name	Middle Name	Last Name	_				
	Kathy		Songer					
Debtor 2 (Spouse, if filing)		Middle Name	Last Name		k if this is an amended	•		
United States I	Bankruptcy Court fo	or the Northern District of G	Seorgia	have	elow the sections of the been changed. Amen- ons not listed below wi	dments to		
Case number (if known)	19-40788-PWB	<u> </u>			ineffective even if set out later in this amended plan.			
Chapt	er 13 PI		ofcv Court for the North	ern District of Georgia a	dopted this form p	lan for use		
	in Chap Order F No. 21- As use	oter 13 cases in the Requiring Local For 2017, available in th	District pursuant to Feom for Chapter 13 Plans te Clerk's Office and on toter 13 General Order" i	deral Rule of Bankruptcy and Establishing Relate the Bankruptcy Court's means General Order No	/ Procedure 3015.1 d Procedures, Gen website, ganb.usc	. See eral Order courts.gov.		
Part 1:	Notices							
To Debtor(s	option is			cases, but the presence of ar ot comply with the United Sta				
	In the fol	lowing notice to creditor	rs, you must check each box	that applies.				
To Creditors	s: Your rig	hts may be affected by	y this plan. Your claim may	y be reduced, modified, or	eliminated.			
	Check if	applicable.						
	☐ The § 4		payment of a domestic su	pport obligation (as define	d in 11 U.S.C. § 101(1	4A)), set out in		
		uld read this plan carefu attorney, you may wish		attorney if you have one in thi	s bankruptcy case. If y	ou do not		
	confirma otherwise	If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless the Bankruptcy Court orders otherwise. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015.						
			plan, you must have an allov in interest objects. See 11 U	wed claim. If you file a timely .S.C. § 502(a).	proof of claim, your cla	aim is		
			in this plan are estimates option the plan are estimates options.	by the debtor(s). An allowe	ed proof of claim will	be		
	not the p	olan includes each of	the following items. If an it	or(s) must check one box of tem is checked as "Not incl peffective even if set out lat	luded," if both boxes			
				a secured claim, that may result in a partial at all to the secured creditor, set out in § 3.2		■ Not Included		
	§ 1.2	Avoidance of a judic security interest, set	ial lien or nonpossessory, out in § 3.4	nonpurchase-money	■ Included	☐ Not Included		
	§ 1.3	Nonstandard provisi	ons, set out in Part 8		Included	■ Not Included		

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Part 2: Plan Payments and Length of Plan; Disbursement of Funds by Trustee to Holders of Allowed Claims

Page 2 of 9 Case number 19-40788-PWB Debtor Rodger Songer and Kathy Songer

§ 2.1	2.1 Regular Payments to the trustee; applicable commitment period.						
	The applicable commitment period for the debtor(s) as set forth in 11 U.S.C. § 1325(b)(4) is:						
	Check one:   36 more	Check one: ■ 36 months □ 60 months					
	Debtor(s) will make regular payments ("Regular Payments") to the trustee as follows:						
	months, additional Regu 60 months unless the Ba	The debtor(s) will pay\$650.00 permonth for the applicable commitment period. If the applicable commitment period is 36 months, additional Regular Payments will be made to the extent necessary to make the payments to creditors specified in this plan, not to exceed 60 months unless the Bankruptcy Court orders otherwise. If all allowed claims treated in § 5.1 of this plan are paid in full prior to the expiration of					
		ent period, no further Regular Payme	sits will be made.				
	☐ The amount of the R	Check if applicable.  The amount of the Regular Payment will change as follows (If this box is not checked, the rest of § 2.1 need not be completed or reproduced. Insert additional lines as needed for more changes.):					
	Beginning on (insert date):	The Regular Payment amount will change to (insert amount):	For the following reason (insert reason for change):				
		per week					
§ 2.2	Regular Payments; me	Regular Payments; method of payment.					
	Regular Payments to the trustee will be made from future income in the following manner:						
	Check all that apply.						
	Debtor(s) will make payments pursuant to a payroll deduction order. If a deduction does not occur, the debtor(s) will pay to the trustee the amount that should have been deducted.						
	☐ Debtor(s) will make payments directly to the trustee.						
	Other (specify method	od of payment):					
§ 2.3	Income tax refunds.						
	Check one.						
	■ Debtor(s) will retain any income tax refunds received during the pendency of the case.						
	Debtor(s) will (1) supply the trustee with a copy of each income tax return filed during the pendency of the case within 30 days of filing the return and (2) turn over to the trustee, within 30 days of the receipt of any income tax refund during the applicable commitment period for tax years, the amount by which the total of all of the income tax refunds received for each year exceeds \$2,000 ("Tax Refunds"), unless the Bankruptcy Court orders otherwise. If debtor's spouse is not a debtor in this case, "tax refunds received" means those attributable to the debtor.						
	☐ Debtor(s) will treat tax refunds ("Tax Refunds") as follows:						
§ 2.4	Additional Payments.						
	Check one.						
	■ None. If "None" is checked, the rest of § 2.4 need not be completed or reproduced.						
§ 2.5	[Intentionally omitted.]						
§ 2.6	Disbursement of funds	by trustee to holders of allowed o	claims.				

- ξ
  - (a) Disbursements before confirmation of plan. The trustee will make preconfirmation adequate protection payments to holders of allowed claims as set forth in §§ 3.2 and 3.3.
  - (b) Disbursements after confirmation of plan. Upon confirmation, after payment of the trustee's statutory fee, the trustee will disburse Regular Payments, Additional Payments, and Tax Refunds that are available for disbursement to make payments to holders of allowed claims as follows:
    - (1) First disbursement after confirmation of Regular Payments. In the first disbursement after confirmation, the trustee will disburse all available funds from Regular Payments in the following order:

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Debtor Rodger Songer and Kathy Songer

orders of the Bankruptcy Court;

- (B) To pay fees, expenses, and costs of the attorney for the debtor(s) as set forth in § 4.3;
- (C) To make payments pro rata based on the monthly payment amount: on secured claims as set forth in §§ 3.1, 3.2, 3.3, and 3.4; on domestic support obligations as set forth in § 4.4; on the arrearage claims on nonpriority unsecured claims as set forth in § 5.2; and on executory contracts and unexpired leases as set forth in § 6.1; and
- (D) To pay claims in the order set forth in § 2.6(b)(3).
- (2) Second and subsequent disbursements after confirmation of Regular Payments. In the second disbursement after confirmation, and each month thereafter, the trustee will disburse all available funds from Regular Payments in the order below. All available Regular Payments will be distributed to the claims in each paragraph until such claims are paid in full.
  - (A) To make concurrent monthly payments, including any amount past due under this plan: on secured claims as set forth in §§ 3.1, 3.2, 3.3, and 3.4; on fees, expenses, and costs of the attorney for the debtor(s) as set forth in § 4.3; on domestic support obligations as set forth in § 4.4; on the arrearage claims on both nonpriority unsecured claims as set forth in § 5.2 and executory contracts and unexpired leases as set forth in § 6.1;
  - (B) To make pro rata payments on administrative expenses allowed under 11 U.S.C. § 503(b) other than the trustee's fee and the debtor's attorney's fees, expenses, and costs; and
  - (C) To pay claims in the order set forth in § 2.6(b)(3).
- (3) Disbursement of Additional Payments and Tax Refunds. The trustee will disburse the Additional Payments and Tax Refunds in the following order:
  - (A) To pay fees, expenses, and costs of the attorney for the debtor(s) as set forth in § 4.3;
  - (B) To make pro rata payments on administrative expenses allowed under 11 U.S.C. § 503(b) other than the trustee's fee and the debtor's attorney's fees, expenses, and costs;
  - (C) To make payments pro rata based on the monthly payment amount: on secured claims as set forth in §§ 3.1, 3.2, 3.3, and 3.4; on domestic support obligations as set forth in § 4.4; on the arrearage claims on both nonpriority unsecured claims as set forth in § 5.2 and executory contracts and unexpired leases as set forth in § 6.1;
  - (D) To pay other Allowed Secured Claims as set forth in § 3.6;
  - (E) To pay allowed claims entitled to priority under 11 U.S.C. § 507, other than administrative expenses and domestic support obligations; and
  - (F) To pay nonpriority unsecured claims not otherwise classified as set forth in § 5.1 ("Unclassified Claims") and to pay nonpriority unsecured claims separately classified as set forth in § 5.3 ("Classified Claims"). The trustee will estimate the total amounts to be disbursed during the plan term (1) to pay Unclassified Claims and (2) to pay Classified Claims. Funds available for disbursement on these claims will be allocated pro rata to each class, and the funds available for disbursement for each class will be paid pro rata to the creditors in the class.
- (4) Unless the debtor(s) timely advise(s) the trustee otherwise in writing, the trustee may treat and disburse any payments received from the debtor(s) as Regular Payments.

#### Part 3: **Treatment of Secured Claims**

Maintenance of payments and cure of default, if any.

Check one.

- None. If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- § 3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

Check all that apply.

- None. If "None" is checked, the rest of § 3.2 need not be completed or reproduced.
- § 3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

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The	claims	1:-41	L - I	 -:41

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed by the trustee.

The trustee will make monthly preconfirmation adequate protection payments that 11 U.S.C. § 1326(a)(1)(C) requires to the creditor in the amount set out in the column headed Monthly preconfirmation adequate protection payment.

The holder of any claim listed below will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) payment of the amount of the secured claim, with interest at the rate set forth below, and discharge of the underlying debt under 11 U.S.C.
- § 1328, at which time the lien will terminate and be released by the creditor.

+	Name of creditor	Collateral			rate	pre-confirmation adequate protection	Monthly post- confirmation payment to creditor by trustee
-	Nissan Motor Acceptance	2017 Nissan Sentra	3/2018	\$20,159.00	5.5%	\$100.00	100 step to 400 on 3/2020
-	OneMain Financial	2003 Suzuki Intruder	7/2017	\$5,815.00	5.5%	\$50.00	50 step to 150 on 3/2020

### § 3.4 Lien avoidance.

Check one.

None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

The judicial liens and/or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless the Bankruptcy Court orders otherwise, a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the claim secured by the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the claim secured by the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan to the extent allowed. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). If more than one lien is to be avoided, provide the information separately for each lien.

Information regarding judicial lien or security interest	Calculation of lien avoidance		Treatment of remaining secured claim
Name of creditor Prestige Financial Services	a. Amount of lien	\$10,916.00	Amount of secured claim after avoidance (line a minus line f)
Collateral	b. Amount of all other liens	\$0.00	\$0.00
Judgement	c. Value of claimed exemptions		Interest rate (if applicable)
	d. Total of lines a, b, and c	\$10,916.00	%
	e. Value of debtor(s) interest in property -		Monthly payment on secured claim
Lien identification (such as judgment date, date of lien	f. Subtract line e from line d	\$10,916.00	
recording)	Extent of exemption impairment		
	(Check applicable box).		
	Line f is equal to or greater than	line a.	
	The entire lien is avoided. (Do not of	complete the next column.)	
	Line f is less than line a.		
	A portion of the lien is avoided. (Co	mplete the next column.)	

# § 3.5 Surrender of collateral.

Check one.

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Debtor Rodger Songer and Kathy Songer

■ None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

#### § 3.6 Other Allowed Secured Claims.

A proof of claim that is filed and allowed as a secured claim, but is not treated as a secured claim in this plan, shall be paid with interest at the rate of <sup>5.5</sup> %. Payments will commence as set forth in § 2.6. Notwithstanding the foregoing, the debtor(s), and any other party in interest, may: object to allowance of the claim; request that the Bankruptcy Court determine the value of the secured claim if modification of the claim is permissible and if 11 U.S.C. § 506 is applicable; or request that the Bankruptcy Court avoid the creditor's lien pursuant to 11 U.S.C. § 522(f), if applicable.

If the Bankruptcy Court determines the value of the secured claim, the portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan.

The holder of the claim will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) payment of the amount of the secured claim, with interest at the rate set forth above, and discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

#### Part 4: **Treatment of Fees and Priority Claims**

### General.

Trustee's fees and all allowed priority claims will be paid in full without postpetition interest. An allowed priority claim will be paid in full regardless of whether it is listed in § 4.4.

### § 4.2 Trustee's fees.

Trustee's fees are governed by statute and may change during the course of the case.

### § 4.3 Attorney's fees.

- (a) The unpaid fees, expenses, and costs owed to the attorney for the debtor(s) in connection with legal representation in this case are 4,000,00 . The allowance and payment of the fees, expenses and costs of the attorney for the debtor(s) are governed by General Order 22-2017 ("Chapter 13 Attorney's Fees Order"), as it may be amended.
- (b) Upon confirmation of the plan, the unpaid amount shall be allowed as an administrative expense under 11 U.S.C. § 503(b) to the extent set forth in the Chapter 13 Attorney's Fees Order.
- (c) The Bankruptcy Court may allow additional fees, expenses, and costs to the attorney for debtor(s) in excess of the amount shown in § 4.3(a) above upon application of the attorney in compliance with the Chapter 13 Attorney's Fees Order and after notice and a hearing.
- (d) From the first disbursement after confirmation, the attorney will receive payment under § 2.6(b)(1) up to the allowed amount set forth in § 4.3(a).
- 400.00 (e) The unpaid balance and any additional amounts allowed under § 4.3(c) will be payable (1) at \$\_ per month from Regular Payments and (2) from Tax Refunds or Additional Payments, as set forth in § 2.6, until all allowed amounts are paid in full.
- (f) If the case is converted to Chapter 7 before confirmation of the plan, the debtor(s) direct(s) the trustee to pay to the attorney for the debtor(s) the amount of \$ 2,500.00 , not to exceed the maximum amount that the Chapter 13 Attorney's Fees Order permits. If the attorney for the debtor(s) has complied with the applicable provisions of the Chapter 13 Attorney's Fees Order, the trustee will deliver, from the funds available, the stated amount or the maximum amount to the attorney, whichever is less.
- (g) If the case is dismissed before confirmation of the plan, fees, expenses, and costs of the attorney for the debtor(s) in the amount of , not to exceed the maximum amount that the Chapter 13 Attorney's Fees Order permits, will be allowed to the extent set forth in the Chapter 13 Attorney's Fees Order. The attorney may file an application for fees, expenses, and costs in excess of the maximum amount within 14 days from entry of the order of dismissal. If the attorney for the debtor(s) has complied with the applicable provisions of the Chapter 13 Attorney's Fees Order, the trustee will deliver, from the funds available, the allowed amount to the attorney.
- (h) If the case is converted to Chapter 7 after confirmation of the plan, the debtor(s) direct(s) the trustee to deliver to the attorney for the debtor(s), from the funds available, any allowed fees, expenses, and costs that are unpaid.
- (i) If the case is dismissed after confirmation of the plan, the trustee will pay to the attorney for the debtor(s), from the funds available, any allowed fees, expenses, and costs that are unpaid.

§ 4.4	Priority claims other than attorney's fees.
	■ None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.
	(a) Check one.

☐ The debtor(s) has/have no domestic support obligations. If this box is checked, the rest of § 4.4(a) need not be completed or reproduced.

Case 19-40788-pwb Doc 12 Filed 05/05/19 Entered 05/05/19 20:55:37 Desc Main Page 6 of 9 case number 19-40788-PWB Document Debtor Rodger Songer and Kathy Songer The debtor(s) has/have domestic support obligations as set forth below. The debtor(s) is/are required to pay all post-petition domestic support obligations directly to the holder of the claim. Name and address of creditor: Name and address of child support Estimated amount of Monthly plan payment enforcement agency entitled to § 1302(d)(1) claim + notice (b) The debtor(s) has/have priority claims other than attorney's fees and domestic support obligations as set forth below: Name and address of creditor Estimated amount of claim + Part 5: **Treatment of Nonpriority Unsecured Claims** Nonpriority unsecured claims not separately classified. Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata, as set forth in § 2.6. Holders of these claims will receive: Check one A pro rata portion of the funds remaining after disbursements have been made to all other creditors provided for in this plan. and (2) the funds remaining after disbursements have been made to all other A pro rata portion of the larger of (1) the sum of \$\_\_\_\_ creditors provided for in this plan. The larger of (1) \_ % of the allowed amount of the claim and (2) a pro rata portion of the funds remaining after disbursements have been made to all other creditors provided for in this plan. ☐ 100% of the total amount of these claims Unless the plan provides to pay 100% of these claims, the actual amount that a holder receives will depend on (1) the amount of claims filed and allowed and (2) the amounts necessary to pay secured claims under Part 3 and trustee's fees, costs, and expenses of the attorney for the debtor(s), and other priority claims under Part 4. § 5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one None. If "None" is checked, the rest of § 5.2 need not be completed or reproduced. § 5.3 Other separately classified nonpriority unsecured claims. Check one. None. If "None" is checked, the rest of § 5.3 need not be completed or reproduced. Part 6: **Executory Contracts and Unexpired Leases** The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. ■ None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced. Part 7: **Vesting of Property of the Estate** Unless the Bankruptcy Court orders otherwise, property of the estate shall not vest in the debtor(s) on confirmation but will vest in the debtor(s) only upon: (1) discharge of the debtor(s); (2) dismissal of the case; or (3) closing of the case without a discharge upon the completion of payments by the debtor(s). Part 8: **Nonstandard Plan Provisions** 

None. If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Check "None" or list Nonstandard Plan Provisions.

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Bort Qu	Signatures
rait 3.	orginatures

#### § 9.1 Signatures of Debtor(s) and Attorney for Debtor(s).

The debtor(s) must sign below. The attorney for the debtor(s), if any, must sign below.

×	/s/ Rodger Songer		✗ /s/ Kathy Songer	
	Signature of debtor 1 executed on 0	4 / 02 / 2019	Signature of debtor 2 executed on	04 / 02 / 2019
	M	M / DD / YYYY		MM / DD / YYYY
	1537 Pamela Drive, Tunnel Hill, GA 3	0755	1537 Pamela Drive, Tunnel Hill, G	A 30755
	Address	City, State, ZIP code	Address	City, State, ZIP code
×	/s/ Dan Saeger		Date: 04 / 02 / 2019	
	Signature of attorney for debtor(s)	_	MM / DD / YYYY	
	Saeger & Associates, LLC		706 S Thornton Ave, Ste D, Daltor	ı, GA 30720
	Firm		Address	City, State, ZIP code

By filing this document, the debtor(s), if not represented by an attorney, or the attorney for debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 Plan are identical to those contained in the Local Form for Chapter 13 Plans that the Bankruptcy Court for the Northern District of Georgia has prescribed, other than any nonstandard provisions included in Part 8.

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF GEORGIA ROME DIVISION

IN RE:	)	Case No. 19-40788
	)	
Rodger Songer and	)	
Kathy Songer,	)	Chapter 13
	)	•
Debtors.	)	

# **CERTIFICATE OF SERVICE**

I certify that true and correct copies of the Chapter 13 Plan has been served upon the following by placing same in an envelope with adequate First Class postage affixed and depositing same in the United States Mail addressed for delivery to:

Mary Ida Townson Chapter 13 Trustee Suite 2200 191 Peachtree Street, NE Atlanta, GA 30303-1740

Rodger Songer Kathy Songer 1537 Pamela Drive Tunnel Hill, GA 30755

And all creditors on the attached creditor matrix.

This 5th day of May, 2019.

Respectfully submitted,

/s/

Dan Saeger Attorney for Debtors Georgia Bar No. 680628

SAEGER & ASSOCIATES, LLC 706 S Thornton Ave Ste D Dalton, GA 30736 (P) 706-529-5566 (F) 706-529-3775 dan@whitfieldcountylaw.com Label Matrix for local noticing

113E-4 Case 19-40788-pwb

Northern District of Georgia

Sun May 5 20:49:27 EDT 2019

Beth Rogers

100 Peachtree St NW Ste 1950

Atlanta, GA 30303-1919

Hamilton Medical Center

Dalton, GA 30720-2529

Nissan Motor Acceptance

Dallas, TX 75266-0366

1200 Memorial Dr

POB 660366

Credit Management 2121 Noblestown Rd

Pittsburgh, PA 15205-3956

Bloomington, IL 61701-1465

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LVNV Funding PO Box 1269

Greenville, SC 29602-1269

Nissan Motor Acceptance Corporation

PO Box 660360

Dallas, TX 75266-0360

PathGroup

PO Box 740858

OneMain Financial PO Box 3251

Evansville, IN 47731-3251

Prestige Financial Services, Inc.

PO Box 26707

Salt Lake City, UT 84126-0707

Cathy Songer 1537 Pamela Dr

Tunnel Hill, GA 30755-9550

Dan Saeger

Saeger & Associates, LLC

Cincinnati, OH 45274-0858

Suite D

706 S Thornton Ave Dalton, GA 30720-8212

Roger Songer 1537 Pamela Dr

Tunnel Hill, GA 30755-9550

ERC

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PO Box 57547

PO Box 182125

Jacksonville, FL 32241-7547

Columbus, OH 43218-2125

LVNV Funding, LLC

c/o Resurgent Capital Services

PO Box 10587

Greenville, SC 29603-0587

OneMain

324 Northgate Dr Dalton, GA 30721-8680

(p) PORTFOLIO RECOVERY ASSOCIATES LLC

PO BOX 41067

NORFOLK VA 23541-1067

Seventh Avenue 1112 7th Ave

Monroe, WI 53566-1364

Mary Ida Townson Chapter 13 Trustee

Suite 2200

191 Peachtree Street, NE Atlanta, GA 30303-1770

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Portfolio Recovery 120 Corporate Blvd Ste 100 Norfolk, VA 23502-4952

End of Label Matrix Mailable recipients 20 Bypassed recipients 0 Total 20